

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION**

**UNITED STATES OF AMERICA**      )  
    )  
    )  
    V.                                    )      **CASE NO. 2:06-cr-89-WKW**  
    )  
    )  
**FREEMAN STEVENSON, JR.**      )

**DEFENDANT'S MOTION IN LIMINE TO EXCLUDE**  
**REFERENCE TO DRUGS**

\_\_\_\_ COMES NOW the Defendant, **FREEMAN STEVENSON, JR.**, by and through undersigned counsel, and moves *in limine* and pursuant to Fed. R. Evid. 401, 402, and 403, for an order prohibiting the United States from introducing irrelevant, immaterial and highly prejudicial argument, evidence or testimony regarding the marijuana and cocaine allegedly found on his person.

Irrelevant and/or prejudicial evidence is not admissible at trial. Fed. R. Evid. 401, 402 and 403. There is no probative evidence linking the drugs to the weapon allegedly found in the back seat of the truck that Mr. Stevenson was driving at the time of his arrest. Because Mr. Stevenson is charged only with possession of a firearm, the only question before the jury is whether Mr. Stevenson knowingly possessed the firearm. Allowing the Government to present evidence concerning the possession of marijuana and cocaine, absent any evidence that the gun was used in connection with such possession, would only serve to prejudice the jury. Therefore, evidence of the possession of marijuana and cocaine must be excluded.

WHEREFORE, Mr. Stevenson asks the Court to preclude the Government from

offering any argument, testimony or evidence regarding the possession of marijuana or the possession of cocaine.

Dated this 6<sup>th</sup> day of October 2006.

Respectfully submitted,

s/ Anne E. Borelli  
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    V.                                    )      **Case No.: 05-CR-101-F**  
    )  
    )  
**MARVIN THOMAS**      )

**CERTIFICATE OF SERVICE**

I hereby certify that on October 6, 2006, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

Todd Brown, Esquire  
Assistant United States Attorney  
One Court Square, Suite 201  
Montgomery, Alabama 36104

Respectfully submitted,

s/ Anne E. Borelli  
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